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8	UNITED STATES DISTRICT COURT	
9	Northern District of California	
10	Oakland Division	
11	WILLIAM LEONARD PICKARD,	No. C 10-05253 LB
12	Plaintiff,	ORDER STRIKING PLAINTIFF'S SECOND AMENDED COMPLAINT
13	v. DEPARTMENT OF JUSTICE,	[ECF No. 26] FROM RECORD
<ul><li>14</li><li>15</li></ul>	Defendant.	_/
16	On March 17, 2011, pro se Plaintiff Willian	m Pickard filed a first amended complaint FAC

On March 17, 2011, *pro se* Plaintiff William Pickard filed a first amended complaint. FAC, ECF No. 20. As a result, the court dismissed Defendant Department of Justice's pending motion to dismiss as moot and instructed it to direct any new motion to dismiss at Mr. Pickard's first amended complaint. 3/18/11 Order, ECF No. 21. The Department of Justice filed a motion to dismiss Mr. Pickard's first amended complaint on March 25, 2011. Motion to Dismiss, ECF No. 23. On April 11, 2011, Mr. Pickard filed a second amended complaint. SAC, ECF No. 26.

Under Federal Rule of Civil Procedure 15(a)(1), a plaintiff may amend his complaint *once* as a matter of course within 21 days of serving the original complaint or, "if the pleading is one to which a responsive pleading is required, . . . 21 days after service of a motion under Rule 12(b), (e), or (f)." A plaintiff can only file subsequent amendments with the opposing party's written consent or with the court's permission. Fed. R. Civ. P. 15(a)(2). Mr. Pickard already filed a first amended complaint once as a matter of course. FAC, ECF No. 20. Therefore, in order to file a second amended complaint, Mr. Pickard must get the Department of Justice's written permission or the

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UNITED STATES DISTRICT COURT For the Northern District of California

court's permission. In this case, Mr. Pickard did not get the Department of Justice's permission or			
the court's permission to file a second amended complaint. Accordingly, the court <b>HEREBY</b>			
<b>STRIKES</b> docket entry number 26, Mr. Pickard's second amended complaint, from the record.			
IT IS SO ORDERED.			
Dated: April 12, 2011	LIBC		
	LAUREL BEELER		
	United States Magistrate Judge		